

ISMAIL AMIN, ESQ. (NV Bar No. 9343)
 iamin@aminlawgroup.com
 LAWRENCE KULP, ESQ. (NV Bar No. 7411)
 lkulp@aminlawgroup.com
THE AMIN LAW GROUP, NV., LTD.
 3753 Howard Hughes Parkway, Suite 200
 Las Vegas, Nevada 89169
 Telephone: (702) 990-3583
 Facsimile: (702) 441-2488
Attorneys for Plaintiff, CC.MEXICANO.US, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CC.MEXICANO.US, LLC,
 a Nevada limited liability company,

Plaintiff,

vs.

AERO II AVIATION, INC., a Delaware
 Corporation; GEORGE W. BLOOD, an
 individual; STEPHEN L. CRITTENDEN, an
 individual; DOES 1-20, inclusive; and ROE
 ENTITIES 1-20, inclusive,

Defendants.

Case No. 2-14-v-00108-JCM-NJK

**ORDER TO ENTER JUDGMENT
 AGAINST DEFENDANT STEPHEN
 L. CRITTENDEN**


On July 6, 2016, this Court entered an Order (ECF No. 194) adopting the Report and Recommendation of Magistrate Judge Nancy J. Koppe (ECF No. 190) in its entirety, wherein it was recommended that default judgment be entered against Defendant Stephen L. Crittenden. The aforesaid Order and Report and Recommendation are appended hereto as **Exhibits 1 and 2**, respectively, and are incorporated herein by this reference.

1 Plaintiff, in its First, Fourth, and Sixth Claims for Relief (Breach of Contract,
2 Restitution, and Fraud in the Inducement, respectively) in the Second Amended Complaint
3 (ECF No. 47), has specifically alleged, in a sum certain, damages in the amount of \$465,750.00.

4 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
5 judgment shall forthwith be entered in favor of Plaintiff, CC.MEXICANO.US, LLC, and
6 against Defendant, STEPHEN L. CRITTENDEN, with respect to Plaintiff's First, Fourth, and
7 Sixth Claims for Relief, for the sum of FOUR HUNDRED AND SIXTY-FIVE THOUSAND,
8 SEVEN HUNDRED FIFTY AND NO/100THS DOLLARS (\$465,750.00), plus costs and
9 interest according to law from the date of this judgment until the entire amount is paid.
10

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's
12 remaining claims for relief shall be, and they hereby are, DISMISSED, without prejudice.

13 Order Prepared by:

14 
15 Ismail Amin, Esq.
16 THE AMIN LAW GROUP, NV., LTD.
17 3753 Howard Hughes Parkway, Suite 200
18 Las Vegas, Nevada 89169
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IT IS SO ORDERED.

21 
22 UNITED STATES DISTRICT COURT JUDGE
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Dated: July 14, 2016

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CC.MEXICANO US, LLC,

Plaintiff(s),

v.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-CV-108 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (ECF No. 190). No objections were filed, and the deadline for filing objections has passed.

Magistrate Judge Koppe recommended that default judgment be entered against defendant Crittenden because he has repeatedly failed to comply with the court's orders. This is an abusive litigation practice that has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial resources, and threatened the integrity of the court's orders and the orderly administration of justice. Magistrate Judge Koppe states that sanctions less drastic are unavailable because the defendant has willfully refused to comply with multiple court orders.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's findings and recommendation, then the court is required to "make a de novo determination of those portions of the report and recommendation to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003)
6 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
7 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
8 objection to a magistrate judge's recommendation, then this court may accept the recommendation
9 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
10 magistrate judge's recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
13 recommendation, this court finds good cause to ADOPT the magistrate judge's findings in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and
16 recommendation of Magistrate Judge Koppe (ECF No. 190), are ADOPTED in their entirety.

17 IT IS FURTHER ORDERED that plaintiff shall prepare and file an appropriate judgment
18 for the court's signature within seven (7) days of this court's order.

19 DATED July 6, 2016.

20 
21 UNITED STATES DISTRICT JUDGE
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EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CC.MEXICANO.US, LLC,

Plaintiff(s),

vs.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-cv-00108-JCM-NJK

REPORT AND RECOMMENDATION

Pending before the Court is the order for Defendant Crittenden to show cause why default judgment should not be entered against him. Docket No. 189. In that order to show cause, the Court identified several violations of court orders, including Defendant Crittenden's failure to appear at the settlement conference held by the Court. *See id.* Moreover, Defendant Crittenden had been warned on several occasions that his failure to comply with Court orders may result in the imposition of sanctions, including case-dispositive sanctions. *See id.* The deadline to respond to the order to show cause was May 2, 2016. *See id.* To date, Defendant Crittenden has not responded, nor has he sought an extension of that deadline.

The willful failure of Defendant Crittenden to comply with the Court's orders is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than

1 dismissal are unavailable because Defendant Crittenden has wilfully refused to comply with multiple
2 court orders despite the warning that dismissal may result.

3 Accordingly, the undersigned hereby **RECOMMENDS** that default judgment be entered against
4 Mr. Crittenden.

5 DATED: May 9, 2016

6 
7 NANCY J. KOPPE
United States Magistrate Judge

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in
10 writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme
11 Court has held that the courts of appeal may determine that an appeal has been waived due to the failure
12 to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474
13 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time
14 and (2) failure to properly address and brief the objectionable issues waives the right to appeal the
15 District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*,
16 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
17 1983).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th of July, 2016, I served a true and correct copy of:
ORDER TO ENTER JUDGMENT AGAINST DEFENDANT STEPHEN L. CRITTENDEN [PROPOSED] by:

X serving the following parties via CM/ECF;

___ serving the following parties via e-mail;

___ serving the following parties via facsimile;

___ depositing a copy of same in the United States Mail, postage fully prepaid, and addressed to the following:

Steven L. Crittenden
11861 Cardinal Circle
Suite H
Garden Grove, CA 92843
Email: Slc4613@gmail.com

In Pro Per

Eric Olsen
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, NV 89119
Email: eolsen@gtg.legal

Counsel for Defendants Aero II Aviation, Inc. and George W. Blood



Daniella Flandez
An Employee of THE AMIN LAW GROUP, NV., LTD.